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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/666,328

09/18/2003

Patrick S. Dougherty

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03/16/2004

HEWLETT-PACKARD COMPANY

Intellectual Property Administration

P. O. Box 272400

Fort Collins, CO 80527-2400

EXAMINER

ROYER, WILLIAM J

ART UNIT

PAPER NUMBER

2852

DATE MAILED: 03/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/666,328

**Applicant(s)**

DOUGHERTY, PATRICK S.

**Examiner**

William J. Royer

**Art Unit**

2852

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 21-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>09182003</u> . | 6) <input type="checkbox"/> Other: ____.  |

### ***Specification***

The disclosure is objected to because of the following informalities:

The addition of the heading "CROSS-REFERENCE TO RELATED APPLICATIONS" and the addition of paragraph [0000] by the preliminary amendment appear to duplicate a heading and paragraph [0001] which were present in the originally filed specification.

Appropriate correction is required.

### ***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 21-44 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-9 of U.S. Patent No. US 6,681,089 B2. Although the conflicting claims are not identical, they are not patentably

distinct from each other because each of the features currently claimed in this application are claimed in the patent. The only difference between the current application claims and the patent claims are that the current application claims have added limitations such as "to reduce charges associated with said photoconductor drum" and "to bleed off static charge associated with said selected component" with the noted limitations being obvious to one of ordinary skill in the art at the time the invention was made because they are merely functional limitations that define what the claims in the patent are capable of performing.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

Claims 21, 22, 27-29, 31-34, 36, 38 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiro et al.

Hiro et al disclose a packaging member 1 for a photosensitive member 5. It is taught that the packaging member can have various forms such as a sheet or film which is adapted to be wound around a photosensitive member. Further, it is taught that the packaging member can be applied to various forms of photosensitive members such as cylinders, sheets and so forth. Furthermore, as shown in Figure 3, it is taught that the

packaging member can be positioned to separate the surface of the photosensitive member from a primary charger 6, a developing unit 8, a transfer/separation charger 10 and a cleaner unit 12.

Hiro et al does not teach that the packaging member is used in a toner cartridge or that the developing unit includes a toner hopper that is sealed by a sealing strip.

The examiner takes official notice that it is old and well known in the photocopying art to provide various image forming components in a process cartridge or toner cartridge. Further, it is well known that the components in the toner cartridge may include a photosensitive member, primary charger, cleaning unit, developing unit and the like of which the examiner also takes official notice. Furthermore, it is old and well known in the photocopying art to provide a sealing strip to seal a toner hopper of which the examiner takes official notice.

It would have been obvious to one of ordinary skill in the art at the time the invention was made that the packaging member of Hiro et al could be used in a toner cartridge because Hiro et al teach that the packaging member can be adapted to be wound around a photosensitive member with most toner cartridges including a photosensitive member. Further, it would have been obvious to one of ordinary skill in the art to provide the packaging member of Hiro et al in a toner cartridge to be removed by a user because the packaging member enables the photosensitive member to be easily replaced while reducing the risk that the photosensitive member will be damaged by the user as taught by Hiro et al.

***Relevant Prior Art***

The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kimoto et al disclose a process for packing a photoreceptor.

Kurz et al disclose a non-contacting photoreceptor cover.

Baker et al disclose apparatus and methods for print cartridge protection.

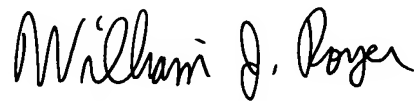
Miyamoto disclose a process cartridge that includes a cover for protecting a photosensitive drum.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Royer whose telephone number is (571) 272-2140. The examiner can normally be reached on Monday-Thursday and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur T. Grimley can be reached on (571) 272-2136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



William J. Royer  
Primary Examiner  
Art Unit 2852

wjr  
March 5, 2004